

ASSEMBLY BILL

No. 816

**Introduced by Assembly Member Lieber
(Coauthor: Assembly Member Chu)**

February 18, 2005

An act to amend Section 147.2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 816, as introduced, Lieber. Hazard evaluation system and information service.

Existing law requires the Department of Industrial Relations, with the State Department of Health Services, to establish a repository of current data on toxic materials and harmful physical agents in use or potentially in use in places of employment in the state. That law requires the repository, among other things, to provide information and collect and evaluate data relating to possible hazards to employees resulting from exposure to toxic materials or harmful physical agents. That law expressly does not require employers to report any information not otherwise required by law.

This bill would instead require, upon written request from the State Department of Health Services, chemical manufacturers, suppliers, distributors, importers, and their agents to provide to the repository the names and addresses of their customers who have purchased specified chemicals or commercial products containing those chemicals, and would deem this information to be a trade secret. This bill would also provide that the State Department of Health Services shall be entitled to reimbursement of attorney's fees and costs incurred in seeking an injunction to enforce this requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 147.2 of the Labor Code is amended to
2 read:
- 3 147.2. (a) In accordance with Chapter 2 (commencing with
4 Section 6350) of Part 1 of Division 5 of this code and Section
5 105175 of the Health and Safety Code, the Department of
6 Industrial Relations shall, by interagency agreement with the
7 State Department of Health Services, establish a repository of
8 current data on toxic materials and harmful physical agents in use
9 or potentially in use in places of employment in the state.
- 10 (b) The repository shall fulfill all of the following functions:
- 11 (1) Provide reliable information of practical use to employers,
12 employees, representatives of employees, and other
13 governmental agencies on the possible hazards to employees of
14 exposure to toxic materials or harmful physical agents.
- 15 (2) Collect and evaluate toxicological and epidemiological
16 data and any other information that may be pertinent to
17 establishing harmful effects on health of exposure to toxic
18 materials or harmful physical agents. ~~Nothing in this subdivision~~
19 ~~shall be construed as authorizing the repository to require~~
20 ~~employers to report any information not otherwise required by~~
21 ~~law.~~
- 22 (3) *Upon written request by the State Department of Health*
23 *Services, chemical manufacturers, suppliers, distributors,*
24 *importers, and their agents shall provide to the repository the*
25 *names and addresses of their customers who have purchased*
26 *certain chemicals, as specified by the repository, or commercial*
27 *products containing those chemicals.*
- 28 (A) *The information provided by chemical manufacturers,*
29 *suppliers, distributors, importers, and their agents pursuant to*
30 *this paragraph shall be considered a trade secret.*
- 31 (B) *The State Department of Health Services shall be entitled*
32 *to reimbursement of attorney's fees and costs incurred in seeking*
33 *an injunction to enforce the requirements of this paragraph.*
- 34 (4) Recommend to the Chief of the Division of Occupational
35 Safety and Health Administration that an occupational safety and

1 health standard be developed whenever it has been determined
2 that a substance in use or potentially in use in places of
3 employment is potentially toxic at the concentrations or under the
4 conditions used.

5 ~~(4)–~~

6 (5) Notify the Director of Food and Agriculture of any
7 information developed by the repository that is relevant to
8 carrying out his or her responsibilities under Chapters 2
9 (commencing with Section 12751) and 3 (commencing with
10 Section 14001) of Division 7 of the Food and Agricultural Code.

11 (c) The Director of Industrial Relations shall appoint an
12 Advisory Committee to the repository. The Advisory Committee
13 shall consist of four representatives from labor, four
14 representatives from management, four active practitioners in the
15 occupational health field, and three persons knowledgeable in
16 biomedical statistics or information storage and retrieval systems.
17 The Advisory Committee shall meet on a regular basis at the
18 request of the director. The committee shall be consulted by, and
19 shall advise the director at each phase of the structuring and
20 functioning of the repository and alert system with regard to, the
21 procedures, methodology, validity, and practical utility of
22 collecting, evaluating, and disseminating information concerning
23 hazardous substances, consistent with the primary goals and
24 objectives of the repository.

25 (d) Nothing in this section shall be construed to limit the
26 ability of the State Department of Health Services to propose
27 occupational safety and health standards to the Occupational
28 Safety and Health Standards Board.

29 (e) Policies and procedures shall be developed to assure, to the
30 extent possible, that the repository uses and does not duplicate
31 the resources of the federal government and other states.

32 (f) On or before December 31 of each year, the Department of
33 Industrial Relations shall submit a report to the Legislature
34 detailing the implementation and operation of the repository,
35 including, but not limited to, the amount and source of funds
36 allocated and spent on repository activities, the toxic materials
37 and harmful physical agents investigated during the past year and
38 recommendations made concerning them, actions taken to inform
39 interested persons of the possible hazards of exposure to toxic

- 1 materials and harmful physical agents, and any recommendations
- 2 for legislative changes relating to the functions of the repository.

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